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PART I

Punjab Government Notifications and Orders

GOVERNMENT OF PUNJAB

DEPARTMENT OF LABOUR

(LABOUR BRANCH)

NOTIFICATION

The 12th June, 2020

No.21/65/2019-4L/787.-The following draft of rules further to amend the Industrial Employment (Standing Orders) Punjab Rules, 1978, which the Governor of Punjab Proposes to make in exercise of the powers conferred by section 15 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act No. 20 of 1946), is hereby published as required by sub-section (1) of the said section, for the information of the persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration by the Government on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette together with any objection or suggestion, which may be received by the Labour Commissioner, Punjab, Chandigarh, from any person, before the expiry of the period so specified with respect to the said draft, namely:-

DRAFT RULES

1. These rules may be called the industrial Employment (Standing Orders) Punjab (Amendment) Rules, 2019.
2. In the Industrial Employment (Standing orders) Punjab Rules, 1978, (hereinafter) referred to as the said rules), after rule 3, the following rule shall be inserted namely:-
" 3-A. Employer not to convert the posts.- No employer of an industrial establishment shall convert the posts of the permanent workmen existing in his industrial establishment as fixed term employment (Standing Orers) Punjab (Amendment) Rules, 2019".
3. In the said rule, in rule 5, after item (7), the following item shall be inserted, namely:-
"(7-A) number of fixed term employment workman".
4. In the said rules, in Schedule II.-

- (1) In clause 3, after sub-clause (7), after the existing Notes (1) and (2), the following sub-clause shall be inserted, namely:-

"(8) A " fixed term employment workman" is a workman, who has been engaged for a fixed period, on the basis of a written contract of employment:

Provided that-

- (a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman; and
- (b) he shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him, even if his period employment does not extend to the qualifying period of employment required in the statute".

- (ii) in clause 19, after the Explanation given under sub-clause (3), the following sub-clause shall be inserted, namely:

"(4) Subject to the provisions of the Industrial Disputes Act (Central Act No. 14 of 1947)-

- (i) no notice of termination of employment, shall be necessary in the case of temporary workman whether monthly rated weekly rated or piece rated and probationers or badli workmen; and,
- (ii) no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay in lieu thereof, if his services are terminated:

Provided that a temporary workman, who has completed three month's continuous service, shall be given two week's notice of the intention to terminate his employment, if such termination is not in accordance with the terms of the contract of his employment:

Provided that the services of a temporary workman, shall not be terminated as a Punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him the matter as specified in Para 23".

Sd/-

(VIJAY KUMAR JANJUA, IAS)

Additional Chief Secretary to Government of Punjab,
Department of Labour.

Chandigarh
The 12th June, 2020